

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ARQUELIO RUIZ-RODRÍGUEZ,

Petitioner,

v.

MILDRED MAGE-SOTO and ROBERTO
SÁNCHEZ-RAMOS,

Respondents.

Civil No. 09-1805 (JAF)

ORDER

Petitioner brings this pro-se petition under 28 U.S.C. § 2254 for relief from the judgment of a Commonwealth court, alleging that he is in custody in violation of federal law. (Docket Nos. 2 (complaint); 27 (translation of complaint).) Respondents oppose (Docket No. 14), and Petitioner responds with two informative motions arguing the merits of his claim. (Docket Nos. 18 (first informative motion); 28 (translation of first informative motion); 30 (second informative motion).)

Petitioner twice before has filed petitions in this court under § 2254. (See Civil Nos. 06-1387; 98-1058.) Because the instant is, therefore, a successive petition, Petitioner was required to obtain leave to file same from the First Circuit. See § 2244(b)(3)(A). As nothing on the record suggests that Petitioner obtained any such leave, we find that we lack subject matter jurisdiction over this petition. See, e.g., Pratt v. United States, 129 F.3d 54, 57 (1st Cir. 1997).

We, therefore, hereby **GRANT** Respondents' motion to dismiss (Docket No. 14) and **DISMISS** Petitioner's petition (Docket Nos. 2; 27).

IT IS SO ORDERED.

San Juan, Puerto Rico, this 13th day of April, 2010.

S/José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U.S. District Judge